

REGULAR MEETING AGENDA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA ENVIRONMENTAL QUALITY BOARD

A Public Meeting: 9:30 a.m., Tuesday, November 9, 2021
Tri County Tech
6101 Nowata Road
Bartlesville, Oklahoma 74006

Please turn off cell phones

1. **Call to Order** – Tracy Hammon, Chair
2. **Announcements** – Tracy Hammon, Chair

Announcements will include the introduction of any new Board members or special meeting guests, as well as safety information for the current meeting venue and any other general housekeeping matters of interest to the Board. These announcements are for informational purposes only, and no action by the Board is required.

3. **Roll Call** – Quiana Fields, Secretary, Board & Councils
4. **Approval of Minutes** of the September 14, 2021 Regular Meeting
5. **Rulemaking – OAC 252:100 Air Pollution Control**

A. The Department of Environmental Quality (Department or DEQ) is proposing to update OAC 252:100, Appendix Q, Incorporation by Reference, to incorporate the latest changes to U.S. Environmental Protection Agency (EPA) regulations. In addition, the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q relating to the National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS).

B. The Department is proposing to amend OAC 252:100-13, Open Burning, to conform the Department's rules to statutory changes enacted in the 2021 legislative session. Senate Bill 246 (2021) changed 27A Okla. Stat. (O.S.) § 2-5-130 to only require an air curtain incinerator (ACI) be used in counties or areas within a county that are or have been designated nonattainment or where an ambient air quality monitor has documented a violation of the National Ambient Air Quality Standards (NAAQS), or those counties with a population of greater than 500,000.

C. The Department is proposing to make revisions in Subchapters 8, 37, and 39 as part of the Department's review of Chapter 100 in response to Governor Stitt's Executive Order 2020-03. The Department is proposing to correct the rule and statute references in OAC 252:100-8-36.1 to the proper legal form. The Department is proposing to add an

exemption to OAC 252:100-37-16(c) to formalize the Department's interpretation that natural gas compressor stations are not considered loading facilities for the purposes of this section. In OAC 252:100-39-45, the Department is proposing to correct the approval process for facilities that incinerate petroleum solvent dry cleaning filters and to remove the outdated compliance schedule.

- D. The Department is proposing to amend the source obligation provisions for facilities subject to prevention of significant deterioration (PSD) in OAC 252:100-8-36.2 to more closely align Oklahoma's rules with the EPA rules in 40 C.F.R. § 51.166(r). This proposed rulemaking is in response to requests from industry to add the "reasonable possibility" provisions.

- Presentation – Laura Lodes, Chair, Air Quality Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

6. Consideration of and Action on the Annual Environmental Quality Report

The Oklahoma Environmental Quality Code requires DEQ to prepare an “Oklahoma Environmental Quality Report” and to submit it to the Governor, Speaker of the House and Senate President Pro Tempore by January 1st of each year. The statutorily prescribed purpose of the report is to outline the DEQ’s annual funding needs for providing environmental services within its jurisdiction, reflect any new federal mandates, and summarize DEQ-recommended statutory changes. The Environmental Quality Board is authorized to review, amend (as necessary), and approve the report.

- Presentation – Robert Singletary, Chief of Staff, DEQ
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include a roll call vote on approval

7. Executive Director’s Report - Scott Thompson, Executive Director, DEQ

Mr. Thompson’s report may include significant agency accomplishments and activities since the last Board meeting, as well as information pertaining to budgetary and/or legislative matters. This report is for informational purposes only, and no action by the Board is required.

8. **Budget Status Report (FY 2022)** – Kathy Aebischer, Chief Financial Officer, DEQ
Ms. Aebischer’s report will include an update and outlook on DEQ’s budget for Fiscal Year 2022. This report is for informational purposes only, and no action by the Board is required.

9. **Employee Disclosures** – Jennifer Boyle, General Counsel, DEQ

The Environmental Quality Code requires DEQ employees involved in reviewing, issuing or enforcing permits to disclose financial interests they hold in entities regulated by the DEQ. The DEQ is required to submit these disclosures to the Board and make them part of the minutes. This is for informational purposes only, and no action by the Board is required.

10. **New Business** (Any matter not known about and which could not have been reasonably foreseen prior to the posting of agenda)

11. **Next Meeting** February 18, 2022, Oklahoma City, Oklahoma

12. **Adjournment**

Public Forum – Following Adjournment – The Board meets several times a year at different locations across the State to hear the views and concerns of all Oklahomans about environmental issues. This opportunity is informal, and we invite you to sign the register to speak. If necessary to accommodate the public, the Board Chair may make a determination to conduct the Forum prior to the Call to Order.

Should you desire to attend but have a disability and need an accommodation, please notify the DEQ three days in advance at 405-702-7100. For hearing impaired, the TDD Relay Number is 1-800-722-0353 for TDD machine use only.